

**RULES
OF
THE TENNESSEE ALCOHOLIC BEVERAGE COMMISSION**

**CHAPTER 0100-5
FINES**

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0100-5-.01 PURPOSE.

- (1) In any case where the Alcoholic Beverage Commission is given the power to suspend or revoke any license or permit issued pursuant to Title 57, Tennessee Code Annotated, the Commission may, in the alternative to suspension or revocation, impose a fine as set out hereafter.
- (2) Fines may be used to informally remedy a matter by written consent of all parties to the matter.

Authority: T.C.A. §§ 57-1-201 and 57-1-209. **Administrative History:** Original rule filed December 9, 199; effective January 10, 1983.

0100-5-.02 VIOLATIONS.

- (1) If one or more violations result from one illegal act or set of circumstances, the fine may not exceed the maximum fine for any of the involved categories of licenses.
- (1) Each separate offense of multiple violations occurring at the same time, not arising from the same illegal act or set of circumstances, may result in individual fines being levied at the maximum for the categories of licensees.
- (2) Repeat occurrences of the same violation by a licensee within a license year may result in separate fines for each violation. The total fines may not exceed the statutory maximum for each type of license for each occurrence.

Authority: T.C.A. §§ 57-1-201 and 57-1-209. **Administrative History:** Original rule filed December 9, 1992; effective January 10, 1983.

0100-5-.03 SCHEDULE OF RANGE OF FINES FOR VIOLATIONS BY PERMITTEES FOR CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE PREMISES, PURSUANT TO T.C.A. §57-4-201.

- (1) The following violations may result in fines from a minimum of two hundred dollars (\$200.00) to a maximum of one thousand dollars (\$1,000.00).
 - (a) Sale of alcoholic beverages for consumption of the premises as prohibited by T.C.A. §57-4-203(e).
 - (b) Advertising the availability of alcoholic beverages on radio or television as prohibited by Rule 0100-1-.01(3)(a).

(Rule 0100-5-.03, continued)

- (c) Giving away alcoholic beverages contrary to T.C.A. §57-4-203(e).
 - (d) Selling or giving away alcoholic beverages or allowing the same to be consumed contrary to Rule 0100-1-03(2) [after hours].
 - (e) Selling alcoholic beverages to person who are visibly intoxicated contrary to T.C.A. §57-4-203(c).
- (2) The following violations may result in fines ranging from a minimum of one hundred dollars (\$100.00) to one thousand dollars (\$1,000.00):
- (a) Advertising the availability of alcoholic beverages on signs on or adjacent to the exterior of such a licensed premises contrary to T.C.A. §57-4-203(a).
 - (b) Failure to comply with T.C.A. §57-4-203(b)(3), relative to not employing persons to dispense or serve alcoholic beverages without a liquor by the drink employee permit.
 - (c) Failure to notify the Commission of a change in management pursuant to Rule 0100-1-03(1).
- (3) The following violations may result in fines ranging from a minimum of three hundred dollars (\$300.00) to a maximum of one thousand dollars (\$1,000.00):
- (a) Sale of alcoholic beverages to minors in violation of T.C.A. §57-4-203.
 - (b) Failure to comply with Rule 0100-1-.03(7), relative to licensees responsibility for law and order in licensed premises.
 - (c) Violation of Rule 0100-1-.03(10) relative improper employee conduct.
- (4) Buying alcoholic beverages from sources other than a licensed wholesaler may result in a fine of one thousand dollars (\$1,000.00).
- (5) Allowing persons under the age of 18 years to dispense, serve or sell alcoholic beverages, contrary to T.C.A. §57-4-203, may result in a fine ranging from four hundred dollars (\$400.00) to one thousand dollars (\$1,000.00).
- (6) All other violations of the rules of the T.A.B.C. or of Tennessee statutes not specifically listed above may result in a fine ranging from one hundred dollars (\$100.00) to one thousand dollars (\$1,000.00).

Authority: T.C.A. §§57-1-201 and 57-1-209. **Administrative History:** Original rule filed December 29, 1982; effective January 10, 1983.

0100-5-.04 SCHEDULE OF RANGE OF FINES FOR VIOLATIONS BY RETAILERS LICENSED UNDER T.C.A. SECTION 57-3-204.

- (1) The following violations may result in fines from a minimum of one hundred dollars (\$100.00) to a maximum of five hundred dollars (\$500.00)
- (a) Improper use of a sign or bill board as prohibited by Rule 0100-3-.05(2)(e).
 - (b) Failure to maintain proper records as required by Rule 0100-3-.14(2).
 - (c) Employing persons to dispense alcoholic beverages who do not possess or have on his person the employee permit required by T.C.A. Section 57-3-204.
 - (d) Soliciting business as prohibited by Rule 0100-3-.11(3).

(Rule 0100-5-.04, continued)

- (e) Violation of direct mail advertising prohibition contained in Rule 0100-3-.03.
- (2) The following violations may result in fines from a minimum of two hundred dollars (\$200.00) to a maximum of five hundred dollars (\$500.00):
 - (a) Giving away any items of value contrary to Rule 0100-3-.11(3)(b).
 - (b) Storing alcoholic beverages for another retailer contrary to Rule 0100-3-.14(8).
 - (c) Consuming or allowing others to consume alcoholic beverages within the licensed premises contrary to Rule 0100-3-.16(9).
 - (d) Keeping or allowing unsealed containers of alcoholic beverages within the licensed premises contrary to Rule 0100-3-.16(10).
 - (e) Purchasing alcoholic beverages from other than a licensed wholesaler contrary to T.C.A. Section 57-3-404(b).
 - (f) Purchasing alcoholic beverages while on a no-buy status contrary to Rule 0100-3-.17.
 - (g) Selling alcoholic beverages before or after authorized hours contrary to T.C.A. §57-3-406(e).
 - (h) Violation of 0100-3-.14(9) relative to the sale of “lugs” or pre-sacking of liquor.
- (3) Selling alcoholic beverages on credit contrary to T.C.A. Section 57-3-404(g) or purchasing alcoholic beverages in combination with other retailers contrary to Rule 0100-3-.16 may result in the imposition of a fine from a minimum of three hundred dollars (\$300.00) to a maximum of five hundred dollars (\$500.00).
- (4) Selling alcoholic beverages at wholesale contrary to T.C.A. Section 57-3-404, operating another business in conjunction with a liquor store contrary to T.C.A. Section 57-3-404, or selling alcoholic beverages to a person known to be a minor contrary to T.C.A. Section 57-3-406 will result in a fine of five hundred dollars (\$500.00).
- (5) Any other violations of law or rule which are not specifically listed above may result in a fine from a minimum of one hundred dollars (\$100.00) to a maximum of five hundred dollars (\$500.00).

Authority: T.C.A. §§57-1-201 and 57-1-209. **Administrative History:** Original rule filed December 29, 1982; effective January 10, 1983.

**0100-5-.05 SCHEDULE OF RANGE OF FINES FOR VIOLATIONS BY WHOLESALERS
LICENSED PURSUANT TO T.C.A. SECTION 57-3-203.**

- (1) The following violations by a licensed wholesaler may result in a fine from a minimum of two hundred dollars (\$200.00) to a maximum of two thousand dollars (\$2,000.00):
 - (a) Giving to any retailer or his employee anything of value as prohibited by Rule 0100-3-.11.
 - (b) Selling alcoholic beverages on consignment or upon condition contrary to rule 0100-3-15(2)(a).
 - (c) Accepting the return of alcoholic beverages where the return is not authorized by law or rule contrary to Rule 0100-3-.15.
 - (d) Delivery of alcoholic beverages in improper vehicles contrary to Rule 0100-3-.10(2).

(Rule 0100-5-.05, continued)

- (e) Failure to see that persons dispensing alcoholic beverages in the licensee's place of business have employee permits and that the permits are on the employee or the licensee's premises as required by the T.C.A. Section 57-3-203.
- (2) The following violations may result in a fine from a minimum of one thousand dollars (\$1,000.00) to a maximum of two thousand dollars (\$2,000.00):
 - (a) Selling alcoholic beverages to a licensee in a "no buy" status contrary to Rule 0100-3-.17(6).
 - (b) Delivering alcoholic beverages to an unauthorized location contrary to Rule 0100-3-.10.
 - (c) Violations of rule 0100-3-.18 prohibiting dual interests.
 - (d) Purchasing alcoholic beverages from other than an appropriately licensed source contrary to T.C.A. Section 57-3-404(a).
- (3) Failure to obtain proper representative or salesman permits and to see that such permits are kept on the person of such employee or upon the premises of such licensee at all times may result in a fine from a minimum of four hundred dollars (\$400.00) to a maximum of two thousand dollars (\$2,000.00).
- (4) Employing individuals who are underage may result in a fine from a minimum of five hundred dollars (\$500.00) to a maximum of two thousand dollars (\$2,000.00).
- (5) All other violations of statute or rule may result in a fine from a minimum of one hundred dollars (\$100.00) to a maximum of two thousand dollars (\$2,000.00).

Authority: T.C.A. §§57-1-201 and 57-1-209. **Administrative History:** Original rule filed December 9, 1982; effective January 10, 1983.

**0100-5-.06 SCHEDULE OF RANGE OF FINES FOR VIOLATIONS BY MANUFACTURERS
LICENSED UNDER T.C.A. SECTION 57-3-202 OR CHAPTER 2 OF TITLE 57 OF THE CODE.**

- (1) Any violation of law or regulation by a manufacturer or distiller may result in a fine ranging from a minimum of one hundred dollars (\$100.00) to a maximum of ten thousand dollars (\$10,000.00).

Authority: T.C.A. §§57-1-201 and 57-1-209. **Administrative History:** Original rule filed December 9, 1982; effective January 10, 1983.